

SENATE BILL NO. 243—SENATOR SCHNEIDER

MARCH 13, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Requires local law enforcement agencies to enforce certain state laws. (BDR 43-719)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to traffic laws; expanding to certain category I peace officers and certain inspectors in this State the authority for the enforcement of certain traffic laws relating to the weight of certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that the Nevada Highway Patrol has authority for the
2 enforcement of certain requirements relating to the size and weight of certain
3 vehicles being operated on the highways of this State. (NRS 484.755) This bill
4 expands that authority to include law enforcement agencies in counties with a
5 population of 100,000 or more (currently Washoe and Clark Counties) in the State
6 and authorizes certain category I peace officers and certain inspectors of the
7 Department of Motor Vehicles and the Department of Public Safety to require the
8 driver of certain vehicles to stop and submit to a weighing of the vehicle.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 484.755 is hereby amended to read as follows:
2 484.755 1. Authority for the enforcement of the provisions of
3 NRS 484.744 to 484.757, inclusive, is vested in ~~the Nevada~~
4 ~~Highway Patrol.~~ *certain law enforcement agencies in this State.*
5 2. Any *category I peace officer*, officer of the Nevada
6 Highway Patrol *or inspector* having reason to believe that the
7 weight of a vehicle and load is unlawful may require the driver to
8 stop and submit to a weighing of the vehicle either by means of



1 portable or stationary scales and may require that the vehicle be
2 driven to the nearest public scales, if they are within 5 miles.

3 3. Whenever an *officer of the Nevada Highway Patrol, a*
4 *category I peace officer or an inspector* upon weighing a vehicle
5 and load as provided in subsection 2 determines that the weight is
6 unlawful, he may require the driver to stop in a suitable place and
7 remove such portion of the load as may be necessary to reduce the
8 gross weight of the vehicle to those limits permitted under NRS
9 484.744 to 484.757, inclusive. All materials so unloaded must be
10 cared for by the carrier of the material and at his expense. The
11 *officer of the Nevada Highway Patrol, category I peace officer or*
12 *inspector* may allow the driver of the inspected vehicle to continue
13 on his journey if any overload does not exceed by more than 5
14 percent the limitations prescribed by NRS 484.744 to 484.757,
15 inclusive, but the penalties provided in NRS 484.757 must be
16 imposed for the overload violation.

17 4. Any driver of a vehicle who fails or refuses to stop and
18 submit the vehicle and load to a weighing, or who fails or refuses
19 when directed by an officer of the Nevada Highway Patrol , *a*
20 *category I peace officer or an inspector* upon a weighing of the
21 vehicle to stop and otherwise comply with the provisions of NRS
22 484.744 to 484.757, inclusive, is guilty of a misdemeanor.

23 5. *As used in this section:*

24 (a) *“Category I peace officer” means a peace officer, as*
25 *defined in NRS 289.460, in a county whose population is 100,000*
26 *or more who has completed a vehicle weight enforcement training*
27 *program that is specific to this State and conducted by the Nevada*
28 *Highway Patrol.*

29 (b) *“Inspector” means an inspector of the Department of*
30 *Motor Vehicles or the Department of Public Safety who has*
31 *completed a vehicle weight enforcement training program that is*
32 *specific to this State and conducted by the Nevada Highway*
33 *Patrol.*

34 (c) *“Law enforcement agency” has the meaning ascribed to it*
35 *in NRS 202.873.*

36 **Sec. 2.** 1. On or before December 31, 2010, the chief
37 administrative officer of any law enforcement or other agency
38 authorized to enforce the provisions of NRS 484.755, as amended
39 by section 1 of this act, shall submit to the Director of the
40 Department of Public Safety a report compiling:

41 (a) The number of officers or inspectors trained by the Nevada
42 Highway Patrol in vehicle weight enforcement;

43 (b) The number of hours of training given each officer or
44 inspector trained as described in paragraph (a); and



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1 (c) The number of citations issued by those officers or
2 inspectors pursuant to NRS 484.755, as amended by section 1 of
3 this act, after October 1, 2009.

4 2. On or before January 15, 2011, the Director of the
5 Department of Public Safety shall submit to the Director of the
6 Legislative Counsel Bureau for transmittal to the next regular
7 session of the Legislature a written report compiling all the
8 information received pursuant to subsection 1.

